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Belfast beyond violence: Flagging up a challenge to local government?

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Title: Belfast beyond violence: Flagging up a challenge to local government?

ABSTRACT: Northern Ireland is emerging from violence but still living with conflict. The recent flags protests in Belfast represent a challenge to public administration to transcend the contested politics of local government in Northern Ireland and to navigate a way through a symbolic legacy issue. This article draws on a longitudinal hermeneutic analysis of empirical research conducted on Northern Ireland local government over a decade, where these concerns dominated much debate. Additional analysis of the research findings reveals broader problems applicable to any public administration faced with managing situations in which good governance in public participation and procedural correctness operates alongside fundamental political disagreement and distrust. These conclusions are particularly pertinent for local administrations in societies transitioning from conflict.

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Introduction

The 2012-2013 Union flag protests in Belfast presented regional public management with a dilemma. How can processes of good governance within Northern Ireland's local public administration resist attempts by contested local politics to circumscribe democratic processes? Furthermore, what does the experience of such contested local governance tell us about local government in a 'post- violence' context? This paper sets out to explore these issues using the experience of Belfast City Council and the recent 'flags' protest as an illustrative case and hermeneutic analysis as a lens of enquiry. In doing so, it presents an analysis of some of these dilemmas and reflects upon what measures can be taken to preserve local accountability in the face of violent, external resistance. It suggests that the Belfast experience may hold lessons for the resolution of similar difficult and emotive issues more generally within other, post conflict, contexts.

The Flags Dispute: Some Background and Framing Literature

This violent dispute began as a protest against the democratic decision of Belfast City Council to restrict the existing practice of flying the British Union flag 365 days a year to eighteen days designated by law for government buildings. Long regarded as a touchstone symbolic issue in the context of Northern Ireland's divided society, nationalists¹ while failing in their attempt to lower the flag completely, did succeed in restricting its use by backing a

¹ The main political division in politics in Northern Ireland is between those supporting the union with Britain (unionists) and those aspiring for a united Ireland (nationalists). Currently the largest nationalist party is the republican Sinn Féin (SF), where the Democratic Unionist Party (DUP) is the largest unionist party. These parties have replaced the constitutionally nationalist Social Democratic and Labour Party (SDLP) and the Ulster Unionist Party (UUP) who dominated until this century, and were considered 'less extreme'.

counter-motion of flying it on designated days². Public administration in Northern Ireland is challenged to handle competing forces of change and resistance to reform in a context of compliance in public participation and procedural fairness (McEvoy & Morrison, 2002). This already difficult task is also happening in the context of high levels of political and public distrust (Murphy, 2013) (Goldie, 2012). In this environment, the vote to restrict the flying of the flag precipitated an immediate mass protest from unionists, loyalist groupings and individuals³. It also saw a resurgence of death threats to politicians, attacks on political party premises, the blocking of major roads, violence, street rioting, personal injury and criminal damage leading to the closure of some businesses and widespread negative international media coverage (MacDonald, 2013). This was nearly fifteen years into a peace process, which has been paradoxically declared to be both at risk (by senior police and politicians) but also “for the most part stabilising” and well embedded – by well-respected social commentators (Nolan, 2013). This article provides a hermeneutic analysis of findings from original and previously unpublished research into public administration in post-conflict Belfast over the past decade. In doing so, it follows the model used by Lejano and Leong (Lejano & Leong, 2012), with reference to the findings of Herian et al (Herian, et al., 2012) and the work of Bovaird and Löffler (2003) (2009; 2007) on participation, fairness and local governance. To do this effectively we briefly note some of the relevant law and literature on flags and emblems before outlining key findings of our original empirical research. The research itself consisted a long term, processual study of change in NI local government

² This motion was put forward by the Alliance Party – a small grouping of members who regard themselves as neither Unionist nor Nationalist within the broader body politic of NI, but who adopt a pro-union stance in practice.

³ Pro-union factions sit along a continuum from the once-perceived as liberal Ulster Unionist Party (UUP), through the now dominant Democratic Unionist Party (DUP) led by the Rev Ian Paisley for many decades, to the Progressive Unionist Party (PUP) (the political wing of the paramilitary Ulster Volunteer Force). Loyalism is a loose term that covers both the PUP and some of the DUP in formal politics and also ‘street politics’ for those who support paramilitary pro-union groups and the Loyal Orders such as the Orange Order.

with reference to equality and good relations. Data was collected and triangulated using extensive documentation and over seventy confidential interviews with main political, organisational and community actors over the years 2005 until 2012 (Goldie, 2008) (Bryan, et al., 2010) (Goldie & Ruddy, 2010). Further analysis allows some preliminary findings and observations about the capacity of local public administration to manage seemingly intractable political and policy struggles between elected members and their followers, and the implications for the practice and theory of public administration in local government, and especially in administrations in conflict laden contexts.

The context of post-violence governance in Northern Ireland

The Northern Ireland conflict was politically resolved by the Belfast Agreement, enacted in a raft of equality and human rights legislation (McCrudden, 1999; McEvoy & Morison, 2002) and implemented through institutional change in public administration (Goldie, 2012) and radical reforms to policing and justice (Murphy, 2013). The 1998 Northern Ireland Act (NIA) was legislatively pivotal in this. Formal politics was transformed from the first-past-the-post system of majority voting to the d'Hondt system of proportional power sharing inclusive of all major parties in both the regional Stormont Assembly and in local Councils. Equality legislation in the NIA required that public administration both refrain from discrimination (section 76), and comply with the statutory duty to promote equality and good relations (section 75).

Specifically section 75 (1) required designated public authorities to have “due regard to promoting equality of opportunity⁴. Section 75 (1) and Schedule 9⁵ advanced beyond any

⁴ Section 75 (2) required these public authorities to have “regard to the desirability of promoting good relations persons of different religious belief, political opinion or racial group”; and was intentionally weaker.

other equality legislation (McCrudden, 1999) and amounted to “*the fourth generation equality laws, based on a positive duty to promote equality, rather than simply to refrain from discriminating*” (Fredman, 2002, p. 122). Resistance to change has been integral to formal politics in post-conflict Belfast and discursive battles over equality are a leading example (Shirlow & McGovern, 1998) (Hayward & Mitchell, 2003). Public perception that nationalist politicians⁶ welcomed these changes to administration and policy-making provided grounds for arguing over the form and substance of equality⁷; resulting in debates wherein the meanings became contested discourses. Hayward and Mitchell assert a split between unionist⁸ and nationalist interpretations and re-presentations of both equality and the equality agenda, with conservative unionist and egalitarian nationalist discourses in direct opposition. Irish Republican discourse changed from that of ‘the long war’, through ‘politicisation of the struggle’ to ‘peace-building’ (Shirlow & McGovern, 1998), facilitating new space for the equality agenda. At an internal, organisational level, institutional post-violence change processes have also been hugely significant in illustrating both resistance to change and the need for processes to be powerfully manoeuvred through complex, political organisational and cultural processes (Murphy, 2013).

The NI peace process coincided with the emergence of public governance (Bovaird & and Löffler, 2003) making clear distinctions between public management or administration and governance. The former concentrates on managerial (‘top-down’) techniques and ‘value for

⁵ Schedule 9 of the Act requires a designated body to “*assess and consult on the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity*”, i.e. to carry out an equality impact assessment (EQIA) on new and existing policy (ECNI, 2003).
⁶ So too did the Women’s Coalition and the Alliance Party (APNI). For the purposes of this discussion, however, the contrast between the ‘orange’ and ‘green’ camps is deemed more significant by Hayward and Mitchell.
⁷ Hayward et al define the equality agenda as more than the positive equality duty of Section 75 (1), by including measures that address “the structural, cultural and political forms of inequality”.
⁸ Hayward et al (2003) note the Progressive Unionist Party discourse differs.

money' where public governance directs its focus on consultation, partnership⁹ and the participation of civil society. For Bovaird and Löffler (2003) *"public management ... uses managerial techniques (often originating in the private sector) to increase the value for money achieved by public services. ... in public sector organisations ... [and] in public service organisations, whether public, voluntary or private sectors."* The role of government, both locally and centrally, is to enable local communities to be "the main driver of change" (Willmott, 2003, p. 343), following Bovaird and others. And public governance is defined as: *"the way in which stakeholders interact with each other in order to influence the outcomes of public policies'."* (Bovaird & and Löffler, 2003, p. 6) Good governance requires *"process fairness [that can be taken] to be a key driver of satisfaction and decision acceptance among the public."* (Herian, Hamm, Tomkins, & M., 2012, p. 829). Herian et. al. *"use the general term "public participation" to describe the governmental efforts to solicit public input through various means"*, theorising that those less certain and less informed about government will be more likely to perceive participation and engagement as increasing the fairness of government's decision making and service provision. The importance of perceived 'fairness' is that it gives legitimacy to decision making and will facilitate acceptance of decisions and directives from government. Indeed as the Chief Executive of Belfast City Council noted, legitimacy is fundamental to the project of good governance and implementing change in local government (Goldie, 2008).

In public governance this procedural transparency, consultation and fairness to stakeholders, and the public, are crucial (Bouvaird & Löffler, 2007, p. 299). In addition strategic public sector management needs to demonstrate accountability and acceptability.

⁹ See Knox (2003) for a critical analysis of the failure of 'joined-up' government, or integrated response to communal violence and the victims of so-called 'punishment' beatings.

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3 *"The acceptability of the [strategic] options needs to be tested against stakeholder*
4 *objectives, which therefore have to be understood by the organization."* (Bouvaird & Löffler,
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7 2009, p. 71) Yet, despite the fact that Belfast Council had adopted promoting equality and
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9 good relations as a corporate objective (Goldie, 2008) we see this has not prevented the
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11 flags dispute exploding into civil unrest.
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16 **Hermeneutic analysis**

17 This article follows Lejano and Leong for whom *"the concepts of plurivocity, which refers to*
18 *the possibility of multiple versions or meanings of a story and intertextuality, which refers to*
19 *the degree by which meanings of a text is shaped by other texts, are particularly useful to*
20 *the hermeneutic endeavour"* (Lejano & Leong, 2012, p. 796). As they have demonstrated
21
22 adeptly "hermeneutics provides new inroads into controversial public issues". This contrasts
23
24 with the simplistic dualism employed by those representing controversy as the contest
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26 between the 'knowing' and the 'ignorant' about policy and services delivery decisions. Such
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28 an approach offers greater depth and nuanced meaning than media accounts or the tit-for-
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30 tat arguments between opponents. This analysis extends beyond simple oppositional
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32 accounts of the flags protest insofar as it meets their criteria.
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42 *"Hermeneutic treatment provides additional narrative interpretations of the issue that*
43 *media accounts did not acknowledge ... focus on narrative not so much for its use in*
44 *describing the organizational but in understanding the nature of public disputes and offering*
45 *avenues for their resolution."* (Lejano & Leong, 2012, p. 794)
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47 Where Lejano and Leong take the case of potable water in the USA, this article addresses
48
49 the dispute around the flying of the Union flag on Belfast City Hall. However, the research
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51 methodology is entirely commensurate.
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55 *"In this article, we do not elaborate on yet more avenues for verifying the credibility of the*
56 *reconstructed narrative, which is triangulation. The hermeneutic analysis can and should be*
57 *tested against other sources of evidence, including prior interviews with stakeholders,*
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3 *statistical evidence, and verification ex post with some of the key actors (and we did the*
4 *latter, in fact)."* (Lejano & Leong, 2012, pp. 799-800)
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6 Our research includes analysis of textual material and interviews, transcribed and agreed
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8 with politicians, officials, practitioners, and advisors. This information was triangulated
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10 between contrasting interviews, and between interviews and records from minutes, press,
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12 and subsequent statements. This structures our analysis of party positions and quotations
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14 from key political actors about flags, and the policy of designated days.
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18 The Union flag is a potent symbol in a place where symbolism is highly politically charged.
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20 The history of the flying of both the Union flag and the Irish tricolour in Belfast is redolent
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22 with struggles over sovereignty and demonstrations against discrimination, gerrymandering
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24 and objective grievances arising from inequality in the operation of public administration in
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26 Northern Ireland (Bew, et al., 2002). Hennessey regarded the conflict as "an ethnic conflict
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28 between two national communities"¹⁰ and the peace process as requiring considerable
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30 'sensitivity' about the use and abuse of symbols and emblems in the public space
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32 (Hennessey, 2000, p. 185). The Belfast Agreement recognised the importance of symbolism
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34 and the potential for future disputes about symbols or symbolic actions.
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40 The divisiveness of symbolism is expressed in displays of flags and emblems as 'celebration'
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42 (Jarman, 1997). The Union flag has "acquired an ethnic, Protestant connotation that it may
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44 not carry in the rest of the UK" (Wilson, 2000, p. 2).
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49 Flags function to communicate compelling, if sometimes ambivalent, messages. They are
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51 integral to sustaining sectarian violence, particularly at sectarian interfaces (Jarman, 2003)
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55 ¹⁰ Darby also describes the conflict in terms of 'ethnic politics' that are "conservative politics, fuelled by fear of
56 conspiracy, compromise and betrayal" (Darby, 1997, p. 113). They function differently to constitutional
57 politics, using discourse and reaching compromise, so that elections are "less about casting your votes than
58 voting your caste" (Darby, 1997, p. 58).
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(Jarman, 2005) (Goldie & Ruddy, 2010) and “are associated with allegiance, loyalty, territory and authority” and “can be used to challenge another group, to assert dominance or to seek a confrontation” (Bryson & McCartney, 1994, p. 10 and 26). Displays assert the dominance of a particular political allegiance – and often paramilitary presence – and threaten confrontation with those who differ (Shirlow, 2006) (Goldie & Ruddy, 2010). Displays at public events convey exclusive possession rather than civic ownership. For example, flying the Irish Tricolour in St Patrick’s Day parades and the Union flag in the Twelfth of July Orange parades symbolise exclusion, and sustain bitter divisions and hostility between factions. Different parties use plurivocity (multiple versions of meanings) and intertextuality (the shaping of meanings by use of other contexts) in their narratives on flags. Flags, emblems and symbolism visibly manifest division and hostility in everyday life in Belfast; with implications for politics and the peace process (Shirlow, 2006, p. 227) (Bryson & McCartney, 1994). It is precisely because this is understood, and needs no articulation, that disputes around flags, emblems and symbols remain violent and require the attention of public administration.

Flags have been controversial in Northern Ireland as far back as the late 1940s and again in 1953 with the Queen’s coronation, when nationalist Councils refused to display British flags and emblems (Palley, 1972) (Bryan, et al., 2010) (Bryan & Gillespie, 2005). Flags legislation gave special protection to the Union flag and prohibited the symbolic expression of any form of Irish nationalism, yet the 1987 repeal of the 1954 Flags and Emblems (Display) Act (NI) did not settle debates on the symbolism of sovereignty, and specifically the display of the Union flag and Irish Tricolour.

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3 In May 2000 the peace process was progressing with declarations by both the Provisional
4 IRA and the Secretary of State for Northern Ireland on weapons decommissioning. Concerns
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In May 2000 the peace process was progressing with declarations by both the Provisional IRA and the Secretary of State for Northern Ireland on weapons decommissioning. Concerns about flying the Union flag on public buildings were then raised by the First Minister and Ulster Unionist Party (UUP) leader (Hennessey, 2000) for political leverage. The matter was elevated to an equal status with proposed reforms to policing in Northern Ireland, which were very unwelcome to unionists. However, David Trimble's opportunistic equating of flying the Union flag on public buildings with policing reforms exemplifies an inherent plurivocity and intertextuality, and appears to have been little more than an irritation to the Secretary of State, which he would resolve.

"Mandelson looked to the restored Executive to address the issue; but if the Executive could not reach a consensus the Secretary of State would take the power, by Order-in-Council, to provide a legal basis for the regulation of the flying of flags. Mandelson did not want this issue to become a 'running sore'." (Hennessey, 2000, p. 213)

For the nationalist Social Democratic and Labour Party (SDLP) this was simply Unionist stalling after decommissioning of IRA arms had apparently been settled.

Long after regulation for central government buildings flying flags remained hotly contested in local government (Bryan & Gillespie, 2005). The Flags Regulations (Northern Ireland) Order (2000) restricted flying Union flags on government buildings to seventeen designated days¹¹. This was challenged by Sinn Féin who wanted it banned on equality grounds.

However, the court upheld the Secretary of State's decision on designated days (Murphy's Application for Judicial Review [2001] NI 425)¹². Thus the 'running sore' did not heal because the law failed to include local government, and policy on flying flags on Council property has been strongly disputed ever since.

¹¹ Originally there were seventeen designated days, but in the UK there are now eighteen. Stormont flies the flag fifteen days a year.

¹² This judgement is quoted in Belfast City Council's 2012 EQIA [www.belfastcity.gov.uk/equality/docs/EQIA-flying-union flag](http://www.belfastcity.gov.uk/equality/docs/EQIA-flying-union-flag).

Belfast City Council and the peace process

The composition of a once Unionist dominated Belfast Council chamber had changed dramatically by 1998, and even more so by 2012. In 1998 the Council formally agreed to adopt the d'Hondt system of allocating posts, ensuring proportional representation rather than majority party rule. This was a far cry from the times when no nationalist sat on the Council's most powerful decision making body, the General Purposes and Resources Committee. Indeed the 1980s had seen physical fighting in the Chamber, ferocious animosity between Unionist and non-Unionist Councillors, and no power sharing.

"The first committee I went to I couldn't get into the room because there was a physical fist fight. Sinn Féin weren't allowed in the committee room when the decisions were being taken." (Chief Executive: 2006)

By the millennium the balance of power was shifting to nationalists. The unionist veto was no longer guaranteed, and numbers stacked up so that APNI could swing a vote.

Belfast Council agreed a corporate objective to improve communal relations when NIA Section 75 statutory equality and good relations obligations were introduced. The Chief Executive positioned these within the Council's core functions.

"Section 75 was a God-send to us! All of a sudden you got Section 75 which made it a legal obligation to have an equality scheme and promote equality and good relations." (Chief Executive: 2006)

Section 75 offered the possibility of change, if promoting equality and good relations was integral to its core business. This required all-party agreement. To accomplish that, the Chief Executive argued that it was about achieving the preferred outcome of a better quality of

life for people living in Belfast; which was a decrease in fear, hostility and violence. This he described as 'creating public value'¹³.

"It adds or creates a preferred social outcome – in our case ... creating a more tolerant, pluralistic, law-abiding society that respects difference, that tries to resolve its problems without resort to violence and understands that someone being different does not have to be a threat to your own status." ." (Chief Executive: 2006)

Equality and good relations statutory obligations created persuasive legal requirements.

"Councils are essentially law-abiding creatures. If you want to get something done and you legislate for it, officers will put those things before Councillors and Councillors will be told that the consequence of not going in a lawful direction is a thing called surcharge." (Chief Executive: 2006)

However useful that might have been, mere compliance with law could not ensure improvement. The Council established the advisory Good Relations Steering Panel and produced its Strategy, *"Building our future together"* by 2005, with a statement of political commitment. A senior advisor to Belfast Council claimed this was a considerable advance.

"They have broken through in terms of creating a political model" (Senior Advisor: 2006).

This was a fully consultative process, inclusive (of politicians, the voluntary and community sector and other stakeholders) and carefully managed so Councillors, who must endorse it, got no surprises. This fits well with the theory of good governance of Bovaird and Löffler cited above and in Herian et. al. who claim, *"the findings seem to be in line with previous research (e.g., Tyler 1990), which has shown process fairness to be a key driver of satisfaction and decision acceptance among the public."* (Herian, et al., 2012, p. 829).

However, while the "moderating role of uncertainty" matches Belfast in 2005 it no longer applied in 2012; because, some things had remained the same, with nationalists and

¹³ The Chief Executive cited Moore (1995). Although they did not use the language of 'creating public value', this perspective was echoed in interviews with City Council officials, external practitioners, and politicians.

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2
3 republicans pushing for changes in the symbolism of City Hall to promote equality. Flying
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5 the Union flag on City Hall was an increasingly divisive force.
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9 Symbolic actions by high profile local politicians were profoundly important to making
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11 progress; as well as entrenching conflict and hostility. For instance, in 2005, a UUP
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13 Councillor defied his party line to attend a Gaelic Athletic Association meeting. This was a
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15 ‘first’, as he was meeting an Association which (at that time) banned members of the
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17 Northern Ireland police and all British armed service persons from joining. In the same year,
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19 when a Sinn Féin Councillor laid a wreath at the Cenotaph on Remembrance Sunday, and
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21 another Sinn Féin Councillor visited the Somme battle¹⁴ site for a World War One
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23 commemoration this was seen as momentous. In 2005 these gestures rewrote traditional
24
25 Republican history which had previously repudiated all Irish men and women who fought in
26
27 the two World Wars. These were events of some magnitude, according to a senior official.
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32 *“Those things people associate as moving towards the middle ground, extending the hand of*
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34 *friendship.”*
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37 In taking considerable political risk these politicians demonstrated strong civic leadership,
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39 showing a more generous politics than was customary in local Council Chambers. Crucially,
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41 neither practitioners nor officials could make such gestures. So when politicians did, their
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43 actions resonated deeply in the public mind.
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48 *“When [UUP Councillor] was Mayor, he made a serious contribution to the exploration of*
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50 *difference. Never underestimate the terrifically symbolic importance of a prominent*
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52 *politician in a prominent place providing leadership around an issue. It’s enormously*
53
54 *important. And it’s much more important than an officer doing something.”* (Chief Executive:
55
56 2006)

57
58 ¹⁴ The 1916 Battle of the Somme had been appropriated by the paramilitary Ulster Volunteer Force as ‘theirs’
59 because so many of the original (some would argue also paramilitary) UVF were killed there.
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Acting outside the expected, narrow party-political lines was recorded across all parties in Belfast. The UUP were matched by the Sinn Féin Council leader when, against party policy, he visited the British Legion memorial in Dublin.

Thus closeted political discussion¹⁵ was matched by public actions. Openly prejudiced speech, once accepted, was now challenged so that the language (if not always the grammar) of bitterly sectarian politics had improved. It was no longer acceptable for politicians to trade vitriolic and deliberately offensive insults that had once been customary.

"You need political conversations where, when somebody says something outrageous people don't just put their heads down and look at the floor. These are the proper conversations at a level so we can start to have a sense of values in our society that are worth something." (Chief Executive: 2006)

However, there were no unqualified successes, as a senior official remarked,

"I'd be reluctant to talk about successes because the next week something could go wrong, and completely throw it in your face ... There is always something else that crops up." (Senior Official: 2006)

This has proven prophetic and more realistic than the Community Relations chief at the time who confidently asserted, *"What Belfast City Council, in particular, have done is leapt past the political credibility gap"* (2009). By December 2012, political credibility had evaporated. Despite the progress made, with power-sharing and generous political gestures in peace-building the vote to change flags policy spawned immediate, widespread and lasting violence.

Belfast City Council and the origins of the flags protest

Republicans had always complained that the ethos and symbolism of the City Hall was almost entirely British, and that flying the Union flag there every day was an equality issue.

¹⁵ Local councillors had met to address contentious issues and improving inter-communal relations since 1991.

In 2001 a Sinn Féin Councillor argued that it was part of City's Section 75 equality obligations to review the Council's flags policy, although this was not included in the policies scheduled for equality impact assessment (EQIA). So, the flags policy was subjected to an EQIA in 2003¹⁶.

The challenge to the status quo, of flying the flag on City Hall 365 days a year, with all its political symbolism, divided members along fairly but not entirely predictable party lines. Unionist consensus was that the Union flag was the constitutional flag of Northern Ireland, as enshrined in the Belfast Agreement, the legislation that came from it and the findings of a judicial review. In contrast the Nationalist SDLP choice was for no flags or – less preferably – the 'designated days' option. Sinn Féin pushed for the flying of national flags, clearly touching Unionist sensitivities, or neither. For Unionist Councillors, of all hues, the matter was settled by their narrow interpretation of the Belfast Agreement.

"I'm saying 'you've accepted that you're part of the United Kingdom ... through the Good Friday Agreement, so why are you asking for more?' ... Flag days have been sorted out under the Good Friday Agreement." (Progressive Unionist Party (PUP) Councillor: 2006)

The Agreement had not resolved this. And, although party to negotiations, Sinn Féin certainly did not regard it as settling the flags issue. So, the matter was clear for unionists but not for republicans. The only unionist to note that this had implications for the peace process was from the minority PUP¹⁷.

"The constitutional thing to do is to fly the flag of that country which doesn't include the Irish flag. Until that changes the Tricolour doesn't have a role. That doesn't mean that if there was a situation the Tricolour wouldn't be flown alongside the Union Jack ... I think we'll have to negotiate that. ... We need to look at tolerance levels and rather than flying it 365 days a year ... There is a reason for flying it on designated days." (PUP: 2006)

¹⁶ This EQIA and the legal advice pertaining to it were recorded in detail in the minutes of the Policy and Resources Committee meeting of 18 April 2003.

¹⁷ The PUP is the political party of the paramilitary Ulster Volunteer Force.

The DUP position was to retain the existing practice of flying the Union flag on Belfast City Council buildings daily.

"The Council did a piece of work on the practices of Councils throughout the British Isles and there were a number of Councils across the water who were flying the Union flag 365 days of the year ... on the main principal building. This is the main principal civic building in Belfast and I think it is right that it should fly on this building on 365 days a year. The one day we actually fly another flag anyway is St Patrick's Day, when we fly the St Patrick's Cross and oddly enough I was the one who proposed that ...years ago, back in the mid-1990s." (DUP: 2006)

This situated the debate in the context of Britain and Ireland, comparing local practice firstly to Great Britain, and then to the Republic of Ireland, where the 365 days option was commonplace. In this there is clearly an inherent plurivocity and intertextuality in this narrative; as this ignores arrangements in the peace agreement. Although the DUP could claim accurately that the 'designated days' policy did not operate in those jurisdictions – just as local government in Britain did not have proportionality or use the d'Hondt system, this narrative ignored the fact that the Agreement was a negotiated political settlement for the only part of the islands of Britain and Ireland where disputed constitutional issues entailed over thirty years of violent conflict.

The SDLP focused on compliance with legal requirements on flying the Union flag. Alluding to the EQIA on City Council's flags policy, and legal counsel's advice that Councillors select the 'designated days' option for City Hall, the SDLP looked to regulation by central government.

"I think it has progressed but not sufficiently. Yet it has moved on now so that people are aware they should start looking at what the legislation says and comply with it – as we've done at Stormont. The flag can be flown on designated days. ... It's not supposed to fly at [specified] other places because they are workplaces." (SDLP: 2006)

For the SDLP the crux of the dispute was compliance with equality and fair treatment legislation, and what was deemed reasonable in case law. This narrative is simple, law-based

and unambiguous; having no plurivocity and intertextuality. The SDLP noted that Equality Commission advice in 2003 was less clear than the Council’s legal counsel, and that this disparity gave unionists the chance to reject counsel’s advice.

Sinn Féin claimed that existing policy was clearly a breach of Section 75, but did not accept the legal advice to City Hall any more than the DUP.

“Sinn Féin obviously want either both flags or a neutral symbol. ... All the Unionists, despite clear legal advice that this would be contrary to both good relations policy of Council and our Section 75 obligations, decided to leave things as they are, flying the flag every day of the year – not just on City Hall. ... Sinn Féin would not have been happy with the outcome of the legal advice to fly the Union flag on designated days ... but at least it would have been better than what’s there at present.” (Sinn Féin:2006)

APNI accepted the legal advice (as reported in their EQIA: 6-7) that they would be best advised to abide by the rules for central government rather than the 365 days a year option. Unionist claims, that legal technicalities distinguished local from central government, opposed the spirit of Section 75 and the Agreement. Indeed the legal advice to the Council was that a tribunal might find against them on grounds of fair employment and treatment, and would require an explanation that was “more convincing than citing custom and practice”. Commission advice in 2003 said it was a discretionary matter for local government to decide¹⁸. *“The Commission has however concluded that it is ultimately for the Council to determine”* (EQIA: 8).

The need for the Unionist ‘identity’ to be “protected” was paramount for the DUP. The issue of flying Irish Tricolour flags in the City centre (during the St Patrick’s Day celebration for example), was conflated into a more general socio-political problem (intertextuality):

“One of the issues within the Unionist community is how it affirms its identity. If you go into a maintained school you will see the ethos of that school in terms of its being a Roman

¹⁸ It has been noted that the June 2006 ECNI determination on Lisburn City Council altered this.

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3 *Catholic school and ... Nationalist.... In controlled schools we are producing de-culturised*
4 *children who don't know what their culture is. ... The core issue isn't flags. It's the*
5 *affirmation of identity."* (DUP: 2006)
6

7 The issue of flags and emblems on St Patrick's Day in the City was only the tip of an iceberg
8
9 where the bulk under the water was the serious absence of "affirmation of identity", which
10
11 was ignored, according to the DUP, for whom flags symbolise power relations and identity.
12
13

14
15 The SDLP was strongly in favour of removing all symbols of territory marking.
16
17

18 *"It's unfortunate that we have to end up with legislation here but ... nobody will take*
19 *responsibility for it ... It's pass-the-parcel between the police, DRD, DOE¹⁹, and Belfast City*
20 *Council. ... It's not the paramilitary flags – at least that's totally illegal and we can demand*
21 *more action with that. But, when it's the Union flag it's more difficultFly it in your own*
22 *garden if you want to fly a flag."*(SDLP: 2006)
23
24

25 The frustration expressed by this Councillor was felt by many others including Sinn Féin. City
26
27 Council had looked at the possibilities of regulating displays of flags and emblems over a
28
29 two-year period, and understood that making changes on the streets had to be a negotiated
30
31 process. Sinn Féin claimed Unionists resisted change because it would be very unpopular
32
33 with their voters, so that progress was impeded.
34
35

36
37 After local government elections in May 2011, Sinn Féin was the largest party in the Council
38
39 and once again proposed a motion to remove the Union Flag from flying over Belfast City
40
41 Hall, re-igniting the flags debate. Nationalist dominance in the Council and the Westminster
42
43 defeat of the First Minister and leader of the DUP by an APNI candidate shook the DUP and
44
45 other unionists²⁰. Unionist parties, except the PUP, distributed 40,000 leaflets in East Belfast
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52 ¹⁹ DRD and DOE stand for the Departments of Regional Development and Environment.
53

54 ²⁰ In May 2010 Naomi Long (APNI) won the East Belfast seat to become MP for the area. She defeated Peter
55 Robinson, the former MP, leader of the Democratic Unionist Party (DUP), and First Minister. This was the most
56 surprising result of the election and a blow to the prestige of the DUP. Political commentators believed that
57 Long managed to attract significant numbers of former DUP voters. It is likely that Robinson's support suffered
58 due to allegations of financial impropriety surrounding business associations and also the extent of his family's
59
60

calling for a protest on the likely vote on flags policy. The media gave this comprehensive coverage for considerable time prioritising it on the political agenda for months. Thus the struggle over flags policy in Belfast was part of the intertextuality of increasingly fearful unionism. Unionist narratives on flags changed as the PUP altered its position. In 2005 PUP stated that *“There is a reason for flying it on designated days”* (Goldie, 2008) but in 2012 the party was involved in behind-the-scenes organisation of the flags protest, and was arrogating the DUP narrative on flags, identity and sovereignty. Where the PUP had sided with APNI in 2005 it now positioned itself as the ‘true’ voice of unionism and loyalism – leaving the DUP appearing to be more interested in power sharing than concerns *“about ‘how is my identity respected?’ and ‘how is my identity protected?’”* as they had stated previously. This volte face in PUP policy was, according to a security correspondent interviewed in 2013, a strategic move to reactivate a failed political party, since this Councillor had temporality lost his seat on Belfast Council and the PUP had no longer any representation in the Stormont Assembly.

The flags protest continued through the end of 2012 and into 2013, with business leaders claiming multi-million pound losses, companies and city centre shops closing and police warning of a lasting negative impact on community confidence and their bemoaning invidious position as the barrier between competing factions. The new start to policing has also been drawn into question, with members of the NI Policing Board heavily criticising police leadership (which appears to lack the deftness of political touch of some previous Chief Constables) and calling into question operational decisions at every turn. The cost of

political expenses. Some commentators believed that the DUP had been looking for an issue which would allow them to reduce the support for the Alliance Party among former unionist voters (Mealagh, 2013).

1
2
3 policing the dispute stood at £15million as of February 2013 – some three months into the
4
5 disagreement²¹ and continued friction arose as the result of criticism from the DUP First
6
7 Minister of NI Peter Robinson MLA in relation to how protests were policed²².
8
9

10 11 **Local Public Administration in post conflict environments: an ongoing struggle?** 12

13
14 Public administration in Northern Ireland not only has a focus on service delivery, managing
15
16 public space and local accountability, but also in managing the continuing outworking of the
17
18 peace process. Such roles are seriously challenged when democratic, if less than universally
19
20 popular, decisions result in widespread civil unrest and violence on the streets. Despite
21
22 employing the D'Hondt system of power sharing and allocating posts, policy and decision-
23
24 making remain hotly contested in Belfast City Council. Additionally, effective organisational
25
26 change in the operation of policing in Northern Ireland, and what appeared to be increasing
27
28 community acceptance this new-found legitimacy has been sorely tested by the level of
29
30 violence and perceptions that PSNI were variously 'heavy handed' in policing illegal
31
32 demonstrations (according to loyalists and many unionists) and 'running scared' of enforcing
33
34 'peace' (according to nationalists and republicans). This placed operational policing in the
35
36 contested and dangerous ground of politically tarnished peace-keeping, as a remedy for civil
37
38 unrest in the context of formal political stalemate.
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44

45
46 As has been shown in the above sections, the main actors in the flags dispute employed
47
48 plurivocity (multiple versions of meanings) and intertextuality (the shaping of meanings by
49
50 use of other contexts) in their accounts of the protest, and in justifying their particular
51
52 positions. When questioned about their rationale, aims and demands, protest supporters
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54

55 ²¹ <http://www.bbc.co.uk/news/uk-northern-ireland-21369953>

56 ²² 'PSNI chief Baggott bites back as Peter Robinson queries police impartiality' Belfast Telegraph 6th March,
57 2013
58
59
60

were reduced to talking of a “disconnect” from the larger unionist parties and a “loss of our culture”, which was because their only demand was to reverse the democratic decision of Belfast City Councillors.

We have noted that “affirmation of identity” was essential for the DUP in 2005. However, by 2012, the hermeneutic analysis of the flags dispute shows this was expounded by spokespersons for the dispute and demonstrations. Although the plurivocity of the flag protesters articulated the meanings of protest as ranging from loss of ‘rights’ and threats to unionist ‘culture’ to the ‘disconnect’ from the democratically elected unionist parties, they had also adopted the one-time DUP outlook. In the seven years from 2005 the narrative of unionist-culture-under-threat had been modified in the DUP discourse – not least because they had become the largest party in the Stormont Assembly – only to be taken up by those protesting. Thus the struggle against the new policy that restricts flying the Union flag to 18 days in Belfast City Hall was integral to the intertextuality of loyalism as increasingly alienated from mainstream unionist politics and the dominant unionist party in power. Hermeneutic analysis is a key plank of interpretive epistemology which “*emphasizes the need to understand from the perspective of the social actor*” (Bryman, 2004, p. 394). The social actors in the flags protest have used complex and vacillating discourses to legitimise a stance which is at base a rejection of the principles of democracy, power sharing in local government and antipathy towards a changed balance of power in a council Chamber where unionism of any hue no longer dominated.

Although there is now almost a tradition of positive symbolic actions across all parties in Belfast, that touchstone of sovereignty, the compulsory daily flying of the Union flag on City Hall, ignited a meta-conflict. Those who opted to engage in conflict, in the form of the flags

1
2
3 protest, arrogated the former DUP stance with a focus on *'how is my identity respected?'*
4
5 and *'how is my identity protected?'* rather than concerns about negotiated power sharing.
6

7
8 This has thrown down the gauntlet to public administration in Belfast for both local
9
10 government and the police in managing public space and delivering services safely.
11

12
13 The challenge has arisen in spite of the existence of the key constituent of good governance,
14
15 which is *"process fairness [that can be taken] to be a key driver of satisfaction and decision*
16
17 *acceptance among the public."* (Herian, Hamm, Tomkins, & M., 2012, p. 829).
18
19

20
21 Herian et. al. *"use the general term "public participation" to describe the governmental*
22
23 *efforts to solicit public input through various means"*. They hypothesize that those less
24
25 certain and less informed about government will be more likely to perceive participation
26
27 and engagement as increasing fairness in government's decision making and service
28
29 provision. The importance of perceived 'fairness' is that it gives legitimacy to decision
30
31 making and will facilitate acceptance of decisions and directives from government.
32
33
34

35
36 In Belfast there was process fairness in the form of public policy consultation²³, democratic
37
38 voting for policy change and procedural transparency; that is good public governance
39
40 (Bouvaïrd & Löffler, 2007). However, this neither had a moderating role in the long-running
41
42 dispute, nor did it increase the legitimacy of the decision among protesters and unionists.
43
44 Indeed the legitimacy of governance was also called into question by nationalists and
45
46 republicans who felt aggrieved that the procedural fairness and democratic decision was so
47
48 rigorously contested by unionists; who appeared by be free to flaunt the laws on civil
49
50 disorder with impunity.
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57 ²³ The consultation had a poor response rate, which weakened its value for some. Yet for respondents
58 favouring the status quo, it seemed to undermine the legitimacy of their Council's decision.
59
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It is legitimate at this point to ask what the experience of local government conflict management in Belfast adds to our understanding of post conflict management in local government more generally and the persistence significance of representations of identity in the post-conflict phase within such environments. While significant literature exists on democratic governance and accountability in fragile and developing state contexts, much of this literature focuses on the challenges of state building and peacebuilding (Haider, 2012) within conflict ridden environments. There is a need to carefully manage public sector reform processes to reflect the iterative, complex and adaptive nature of such reform so as to avoid institutions that have the appearance of effectiveness but not the function (Rao, 2014) (Rihani, 2002). The Belfast case shows us that even in an environment where reform is illustrated and embedded, the role of informal organisational networks and politically aware public managers is vital to conflict management – even if it is not sufficient to result in conflict prevention and a reawakening of tension and violence (Esman, 1999) (Brinkerhoff, 2005). This in itself underlines the concerns of Kaufman (Kaufman, 2006) around the enduring emotional and symbolic roots of ethnic conflict and the need for political processes to reward moderation and reconciliation as transitions unfold. Given that NI is so often used as a model of ‘peacebuilding’, conflict resolution with the outcome of devolved democracy, this is particularly concerning (Byrne, 2001). Indeed, the Belfast case illustrates that our lens of analysis in relation to post-conflict environments must move beyond that of political actors and governance processes to a focus on the empirical reality of how such processes act in practice and the challenges and paradoxes that fill the lived reality of conflict prevention, management and resolution at a local government level. A number of authors have argued that such an (Pettigrew, 1990) (Buchanan & Denyer, 2013) exploration of ‘extreme cases’ also provides us with an opportunity to further our

understanding of how more mainstream public management environments can cope with and manage less radical, but still significant events.

Conclusions

Although the protest rumbled on, mass street demonstrations, illegal road closures, rioting and violence subsided. The Council was prevailed upon to fund a publicity campaign and was asked for compensation, by the city centre traders' association. The PSNI suffered injury and some loss of confidence within both unionist and nationalist communities. This raises questions about the capacity of local public administration to manage the consequences of a seemingly intractable political and policy struggle between elected members and their followers on the streets.

It is ironic that, despite efforts to strengthen a sense of British-ness with the Olympics and Diamond Jubilee in England the Institute for Public Policy research found "British identity is waning in England" (Hennessy, 2013); where another report that same day quoted a Belfast unionist councillor, apparently fearful for his British-ness, "*Sinn Féin is determined at all costs to remove anything British from our national culture and identity*" (Murray, 2013).

What appeared to be huge progress in Belfast local government with generous and mature political gestures in 2005 degenerated into obdurate political contestation in the chamber and civil unrest on the streets in 2012-13. The significance of such difficulties around what are essentially symbolic but enormously significant gestures, has implications for both representations of democracy generally and the reinforcement of democratic 'scaffolding' in societies emerging from conflict. In particular we can identify the persistence of symbolic struggles long after serious violence has ceased and the potent capacity for some issues to emerge suddenly and in extreme and intractable ways. The continuing experience of local

administration in Northern Ireland as a theatre for transitional peace (as well as on-going disagreement and difference) illustrates the need to monitor these longer transitional phases as closely as in the earlier, more obviously conflict-burdened stages. In **Northern Ireland, flags** emblems and symbolic struggles will always be integral to the politics of local administration. However, it would be a mistake to regard these emblematic battles as ‘an Irish problem’ as the power of symbolic resistance is relevant for all local administrations, as riots in London and other English cities in the past two decades have amply demonstrated.

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